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VIA ECF

Hon. Robyn F. Tarnofsky
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Juan Anastacio Martinez v. 647 Bronx Corp and Kharullah Mohammad
Case No. 24-cv-1615 (DEH)(RFT)

Dear Honorable Magistrate Tarnofsky:

Today I filed a Notice of Appearance for the Defendant in the case referenced above. Upon reviewing the docket, I realized that a default judgment has been granted and there is an Inquest Order dated September 17, 2024.

I have spoken to Jesse Barton and Catalina Sojo with whom I have a very cordial and long-standing professional relationship. We have worked on numerous wage and hour cases with Mr. Barton and Ms. Sojo. I'm pleased to note that all of these cases have been successfully resolved, either through mediation or by productive phone calls.

I trust the Court is aware of my experience with these cases in both the Eastern and Southern District. We believe that the only way to resolve these cases is through mediation which we counsel our client accordingly.

My client, informs me that the pleadings in this matter were served at his store in the Bronx; however, he did not personally see or receive it. Additionally, my client asserts a meritorious defense. Specifically, he contends that the employee did not work the hours alleged in the Complaint and furthermore, there was a period during which the employee was not employed at the store.

Admittedly the absence of records in compliance with federal and state law is a serious issue. However, given the foregoing explanation that the allegation of hours worked are unrealistically inflated, I believe mediation may very well resolve this claim. Such a result would benefit both parties.

Mr. Barton has agreed to engage in a mediation in this matter if the Court would grant such a right. We will not delay this matter if the Court grants the Defendant that opportunity. Therefore, I respectfully request that the Inquest be sufficiently postponed allowing both parties to engage in meaningful mediation. I will strive to conduct this mediation before the end of this year.

Thank you for your consideration of this matter.

Respectfully Submitted,

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